**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1605 OF 2005

Mr. Ramdas Waman Bansode .. Petitioner
V/s.
The Municipal Commissioner, Pimpri
and Anr. .. Respondents

Mr. N.A. Kulkarni for the Petitioner
None present for the Respondents

**CORAM : B.H. MARLAPALLE, J.**
**DATED : 03.05.2005**

**P.C.:-**

1. Heard Mr. Kulkarni, the learned counsel for the Petitioner, who is an employee of Pimpri Chinchwad Municipal Corporation. He was issued two different chargesheets. The first chargesheet was of 13.4.1999 and the second chargesheet 10.12.1999. He was suspended by an order dated 27.10.1999. On completion of departmental enquiry, findings were submitted and he was found to be guilty. The Corporation considered Enquiry Officer's report and issued a show cause notice dated 21.12.2000, calling upon the Petitioner to submit his explanation as to why he should not be awarded the punishment of dismissal from service. He submitted his explanation on or about 3.1.2001.

2. On or about 17.1.2001 he approached the Labour Court at Pune and filed complaint ULP No. 12/2001 challenging the proposed action of dismissal. In the said complaint, he also filed application for interim relief under section 30(2) of the MRTU & PULP Act, 1971 (for short "The Act"). After hearing both the parties, the

learned Judge of the II Labour Court at Pune was pleased



to reject the application for interim relief at Exhibit U-2 vide his order dated 7.12.2004. The Petitioner carried the same order in revision application (ULP No. 5/2005) and the same revision was also dismissed by the learned Member of the Industrial Court at Pune on 15.1.2005. Hence, this Petition, praying for injunction not to dismiss the Petitioner from service till the final decision in complaint ULP No. 12/2001.

3. Both the Courts below have recorded concurrent findings that there was no prima facie case made out by the Petitioner in support of his contentions that the proposed action of dismissal would amount to an act of unfair labour practice under any of the clauses of Item I under Schedule IV of the Act. The show cause notice dated 21.12.2000 shows that the following six charges were proved against him:-

(a) Remained absent continuously for a period of 225 days without permission from 15.1.1998 to 27.8.1998.

(b) Negligence in performance of duties and failure to maintain discipline while on duty.

(c) To file false complaints against seniors.

(d) By an order dated 7.10.1999, he was asked duties in YCM Hospital, but on 6.10.1999 itself he locked the cupboard under his charge in the Corporation office and sealed it under his signature and disappeared from the office without anybody's permission, this amounted to interference in the official work.

(e) He submitted a letter dated 15.10.1999 proposing

to start "Pen Stop" agitation in the post mortem office and thus committed an act of indiscipline and



(f) He reported for duty on 12.10.1999 in the post mortem section, but refused to carry out any duty.

4. The reply submitted by him to the show cause notice on 3.1.2001 has also been considered by both the Courts below. It can not be held that the concurrent findings recorded by both the Courts below are either perverse or grossly erroneous. If the Petitioner finally succeeds in the complaint, the Labour Court has the powers to grant appropriate relief including the relief of back wages and all consequential benefits. As at present, the findings recorded by both the Courts below, cannot be interfered with.

5. Hence, the Petition fails and the same is hereby rejected. Trial of the complaint is expedited.

**(B.H. MARLAPALLE, J.)**